



Montana Fish, Wildlife & Parks

Region One
490 N. Meridian Road
Kalispell, MT 59901
(406) 752-5501
FAX: (406) 257-0349
Ref:DV087-03
April 9, 2003

To: Camilla Bauska, 94 Konley Drive, Kalispell, 59901
Mike Conner, 364 Ponderosa Street, Kalispell, 59901
Environmental Quality Council, Capitol Building, PO Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620
Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901
Montana Fish, Wildlife and Parks: Director's Office – Reg Peterson; Parks Division – Walt Timmerman;
Legal Unit - Brandi Fisher; Lands – Darlene Edge
Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620
Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800
George Ochenski, PO Box 689, Helena, 59624
Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923
Montana State Parks Association, PO Box 699, Billings, 59103
Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59715
Rep. Verdell Jackson, 555 Wagner lane, Kalispell, 59901-8079
Sen. Bob DePratu, PO Box 1217, Whitefish, 59937-1217
Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena, 59624
Flathead County Commissioners, 800 S Main Street, Kalispell, 59901

Ladies and Gentlemen:

Fish, Wildlife & Parks, Region One, has completed the Bauska Easement environmental assessment for the purpose of granting an easement to access private property through FWP property above McGregor Lake.

There were no changes to the draft EA; therefore, the draft becomes the final EA. A copy of the decision document is enclosed. The final environmental assessment may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901. Please direct questions or comments to Marty Watkins, Regional Parks Manager, 490 North Meridian Road, Kalispell, MT 59901, or e-mail to mawatkins@state.mt.us.

Sincerely,

Daniel P. Vincent
Supervisor

/ni
Enclosure

BAUSKA EASEMENT

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action:

The proposed action is to grant an easement to access private property through FWP property above McGregor Lake.

2. Agency Authority for the Proposed Action:

Montana Code Annotated 23-1-101

3. Name of Project: Bauska Easement

4. Name, Address, and Phone Number of Project Sponsor (if other than the agency):

5. If Applicable:

Estimated Construction/Commencement Date: N/A

Estimated Completion Date:

Current Status of Project Design (% complete):

6. Location Affected by Proposed Action (county, range, and township):

Flathead County, Section 9, T26N, R25W

7. Project Size: Estimate the number of acres that would be directly affected that are currently:

	Acre		Acres
(a) Developed:		(d) Floodplain	_____
residential	_____		
industrial	_____	(e) Productive:	
		irrigated cropland .	_____
(b) Open	80	dry cropland	_____
	_____	forestry	_____
(c) Wetlands/Riparian Areas ...	_____	rangeland	_____
		other	_____

8. Map/Site Plan: Attach an original 8½" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See Exhibits 1 through 4.

9. Narrative Summary of the Proposed Action or Project, Including the Benefits and Purpose of the Proposed Action:

Camilla Bauska owns an 80-acre tract of property that is accessed through a legal right-of-way easement (ROW) on a road that crosses FWP property known as the McGregor Peak Road. Camilla Bauska exchanged ROW with Champion Timberlands in 1975; however, two existing spur roads, both approximately 500 feet in length from the McGregor Peak Road to Bauska's ownership in adjoining Section 4 have been used by the Bauskas for years, but with no legal easement. The purpose of this project would be to grant legal easements to Mrs. Bauska so the property could be split and sold.

10. Listing of Any Other Local, State, or Federal Agency That Has Overlapping or Additional Jurisdiction:

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
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(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
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(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
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11. List of Agencies Consulted During Preparation of the EA:

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the impacts of the proposed action, including secondary and cumulative impacts on the physical and human environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT [⊙]				Can Impact Be Mitigated [⊙]	Comment Index
	Unknown [⊙]	None	Minor [⊙]	Potentially Significant		
➤a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
➤c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream, or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other (list)						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT [⚙]				Can Impact Be Mitigated [⚙]	Comment Index
	Unknown [⚙]	None	Minor [⚙]	Potentially Significant		
➤a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
♦e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. <u>WATER</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
♦♦1. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
♦m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)						
n. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. <u>VEGETATION</u> Will the proposed action result in:	IMPACT [⚙]				Can Impact Be Mitigated [⚙]	Comment Index
	Unknown [⚙]	None	Minor [⚙]	Potentially Significant		
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			x		No	4a
b. Alteration of a plant community?			X			4b
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
♦♦f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

4a and b: Housing sites will probably be developed as a result of this action more rapidly than they would otherwise. Landscaping for housing will alter the existing native vegetation in and around the homes.



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?			x		Yes	5g
♦♦h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)			x			5h
♦i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		x				
j. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5g and h: With the future addition of home sites on this property, and the related animals and pets, the level of stress on wildlife that use this area during winter months will be increased. This may be partially mitigated, depending on the alternative that is chosen.



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increases in existing noise levels?			x		No	6a
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. Noise levels would be increased due to the activities that surround residential development, but the amount of increase would be minor.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: _____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9. <u>COMMUNITY IMPACT</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			x		No	9a
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9a. This project would enable a higher level of development of residential housing than may be possible at this time. Depending on the alternative selected, this could be mitigated through a conservation easement, easement restrictions, or not mitigated.



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			x			10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electrical power, natural gas, other fuel supply or distribution systems, or communications?				X		10c
d. Will the proposed action result in increased use of any energy source?				x		10d
>e. Define projected revenue sources.						
>f. Define projected maintenance costs.						
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

10a, c, and d: The development of housing in this area will necessitate services to septic systems, power, waste disposal, etc. Houses will be developed with or without this proposal, but the density of the housing over the long term may be impacted by the alternative selected in this EA.



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of any scenic vista, or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach tourism report.)			x			11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		x				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11c: The establishment of residential property adjacent to winter range/open space/recreational property will have social and biologic impacts. These impacts will be minor. The level of impacts will be contingent on the alternative selected for this project.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole,:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources, which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
♦f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
♦♦g. For P-R/D-J, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):



Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.



Include a narrative description addressing the items identified in 12.8.604-1a (ARM).



Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.



Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART II. ENVIRONMENTAL REVIEW (CONTINUED)

1. Description and analysis of reasonable alternatives (including the no-action alternative) to the proposed action, whenever alternatives are reasonably available and prudent to consider; and a discussion of how the alternatives would be implemented:

LWCF Encumbrance. The McGregor Peak Road property was acquired with assistance from the federal Land & Water Conservation Fund (LWCF). Section 6(f) of the LWCF Act of 1965 encumbers properties so acquired or developed. Requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:

- All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a State approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.
- The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement.

Alternative 1: Grant the ROW in exchange for a Conservation Easement. The Conservation Easement would be on the 80 acres owned by Mrs. Bauska, and would restrict development rights to 2-3 single-family residences. The ROW width on the spur roads would be limited to 40 feet. Mrs. Bauska would vacate that portion of the McGregor Peak Road ROW from Spur 2 to the Bauska property line. This option is preferred by FWP for satisfying both the value exchange as well as for long-term habitat protection. FWP would cover all up-front costs to process this option. Mrs. Bauska would be responsible for paying any stewardship fee to a private nonprofit for holding the Conservation Easement. See Exhibit 1.

Alternative 2: Land Donation. Mrs. Bauska has offered to donate 4 acres to FWP to satisfy the value exchange of the ROW. This is the preferred option for Mrs.

Bauska, as it would maximize development possibilities. FWP is concerned whether the donation would adequately satisfy the requirements for LWCF. Mrs. Bauska would cover all up-front costs for survey and appraisal requirements. See Exhibit 2.

Alternative 3: ROW Restrictions. Mrs. Bauska would give up the original 66-foot-wide easement on the McGregor Peak Road. FWP would grant a new ROW on the McGregor Peak Road with a 40-foot width. Spur 1 would be a 40-foot width for the ROW and would be restricted to 2 single-family residences and outbuildings. Spur 2 would be a 40-foot ROW with restrictions limiting the use to one single-family residence and outbuildings. All roads could be used for future natural resource management. Bauska would vacate that portion of the McGregor Peak Road ROW from the Spur 2 junction to the Bauska property line. This option should satisfy both the value and habitat requirements, and may be more expedient; however, if access to the property was gained through other properties than FWP, increased development could occur. See Exhibit 3.

Alternative 4: Land Exchange. Mrs. Bauska would acquire a parcel of land that would be useful to FWP as recreational access and exchange it for all or a portion of the ownership of FWP in Section 9. This exchange would be of equal value financially and may be of higher value recreationally. FWP would consider covering all up-front costs, depending on the recreational value of the property acquired by Mrs. Bauska. However, this option would be expensive for Mrs. Bauska.

Alternative 5: Do not grant the easement. This would preclude development of the property until another access could be found or a road could be built within the property boundary that would accommodate subdivision. Due to the terrain, construction of such a road would be costly.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

4a and b: Housing sites will probably be developed as a result of this action more rapidly than they would otherwise. Landscaping for housing will alter the existing native vegetation in and around the homes.

5g and h: With the future addition of home sites on this property, and the related animals and pets, the level of stress on wildlife that use this area during winter months will be increased. This may be partially mitigated, depending on the alternative that is chosen.

6a. Noise levels would be increased due to the activities that surround residential development, but the amount of increase would be minor.

9a. This project would enable a higher level of development of residential housing than may be possible at this time. Depending on the alternative selected, this could be mitigated through a conservation easement, easement restrictions, or not mitigated.

10a, c, and d: The development of housing in this area will necessitate services to septic systems, power, waste disposal, etc. Houses will be developed with or without this proposal, but the density of the housing over the long term may be impacted by the alternative selected in this EA.

11c: The establishment of residential property adjacent to winter range/open space/recreational property will have social and biologic impacts. These impacts will be minor. The level of impacts will be contingent on the alternative selected for this project.

PART III. NARRATIVE EVALUATION AND COMMENT

Camilla Bauska owns an 80-acre tract of property that is accessed through a legal right-of-way easement (ROW) on a road that crosses FWP property known as the McGregor Peak Road. Camilla Bauska exchanged ROW with Champion Timberlands in 1975; however, two existing spur roads, both approximately 500 feet in length from the McGregor Peak Road to Bauska's ownership in adjoining Section 4 have been used by the Bauskas for years, but with no legal easement. These roads are used because the legal easement accesses only the top portion of the property, and the terrain would make access from the top to the bottom of the property difficult. The property is encumbered with Land and Water Conservation Funds, and therefore FWP cannot grant an easement on the land without mitigation of similar fiscal and resource/recreation value, with the exchange being of benefit to FWP. Prescriptive Rights probably could successfully be challenged on the basis of use before the land was acquired by FWP, but it was not to either party's benefit to pursue this. Therefore, the five alternatives listed above are being considered.

PART IV. EA CONCLUSION SECTION

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:**

Given the minor nature of the impacts, an Environmental Assessment is the proper level of analysis for the proposed action.

- 2. Describe the level of public involvement for this project, if any; and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

The draft environmental assessment will be posted on the internet, placed in the legal advertisements of the Daily Inter Lake, and distributed to a mailing list statewide. If there is sufficient public interest, a public meeting will be held.

- 3. Duration of comment period, if any:** Thirty days, February 6 through March 8, 2003.
- 4. Name, title, address, and phone number of the person(s) responsible for preparing the EA:**

Marty Watkins, Regional Park Manager
Fish, Wildlife and Parks
490 N. Meridian
Kalispell, MT 59901
(406) 751-4573
mawatkins@state.mt.us